

### **REMARKS**

The Office Action dated July 2, 2010 ("Office Action"), has been reviewed and carefully considered. Claims 1-16, 20, 21, 23, and 24 have been amended. No new matter has been added. Claims 1-24 are currently pending. In view of the following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested.

#### **I. REJECTIONS UNDER 35 U.S.C. § 101**

On page 2 of the Office Action, claims 1-9 were rejected under 35 U.S.C. § 101 as allegedly being directed toward non-statutory subject matter. However, Applicant respectfully disagrees.

"A claimed process is patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing." In re Bilski, 545 F.3d 943, 954 (Fed. Cir. 2008). That is, "a claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed." Id. Also, "a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article." Id. Thus, "a claim that is tied to a particular machine or brings about a particular transformation of a particular article does not pre-empt all uses of a fundamental principle in any field but rather is limited to a particular use, a specific application." Id. at 957. However, even if a claim recites a specific machine or a particular transformation of a specific article, the recited machine or transformation must not constitute mere "insignificant postsolution activity." Id.

The Office Action alleges that claims 1-9 are directed to non-statutory subject matter, however, Applicant has amended claims 1-9 and thus renders the aforementioned non-statutory subject matter rejection moot. In particular, claim 1 recites a “computer-implemented system comprises at least a programmed computer processor for automated generation of one or more query language statements, the computer implemented system comprising:” a syntax pattern selector module, and a statement assembly module. Therefore, Applicant respectfully submits that the system comprises at least one programmed computer processor, as currently recited in claim 1 is hardware and not software per se, as alleged in the Office Action.

In view of the foregoing, Applicant respectfully requests that the aforementioned non-statutory subject matter rejection of claims 1-9 be withdrawn.

## **II. REJECTIONS UNDER 35 U.S.C. § 103(a) OF CLAIMS 1-3, 8, 9, AND 20**

On page 3 of the Office Action, claims 1-3, 8, 9, and 20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2004/0039730 to Saeki (“Saeki”) in view of U.S. Patent Application Publication No. 2002/0032740 to Stern et al. (“Stern”) and further in view of U.S. Patent No. 6,212,516 to Kobayashi et al. (“Kobayashi”). This rejection is hereby respectfully traversed.

Regarding claim 1, the Office Action asserts that Saeki, Stern, and Kobayashi disclose the claimed invention. Applicant respectfully disagrees. However, in order to forward the prosecution of the present application, Applicant has amended claim 1 to more specifically define the claimed invention. In particular, Applicant respectfully submits that Saeki fails to disclose, or even suggest, a computer-implemented system comprising: “at least one query language statement having a tree query structure generated based at least in part on the parameters of the desired data set is

assembled to be run against a data source to return the desired data set,” as currently recited in claim

1. In contrast, Saeki merely discloses a database retrieval processing section that executes one or more normalized query statements. *See, e.g.*, Saeki, paragraph [0066]. Thus, Saeki, at most, discloses a normalized query statements and fails to disclose, or even suggest, “at least one query language statement having a tree query structure generated based at least in part on the parameters of the desired data set is assembled to be run against a data source to return the desired data set,” as currently recited in claim 1.

Also, the Office Action asserts, and Applicant agrees, that Stern fails to disclose, or even suggest, at least one query language statement having a tree query structure. Moreover, Kobayashi fails to remedy the deficiencies of Saeki and Stern. In particular, Kobayashi discloses that the execution procedure code pattern is represented by a tree structure having, as its elements, a plurality of processing nodes which instruct a control of an associated execution. *See, e.g.*, Kobayashi, column 16, lines 63-66. Thus, Kobayashi, at most, discloses that the execution procedure code is represented by a tree structure and fails to disclose, or even suggest, “at least one query language statement having a tree query structure generated based at least in part on the parameters of the desired data set is assembled to be run against a data source to return the desired data set,” as currently recited in claim 1. Accordingly, Applicant respectfully submits that claim 1 should be allowable over Saeki, Stern, and Kobayashi.

Further, Applicant submits that Saeki fails to disclose, or even suggest, “a statement assembly module for populating the syntax pattern, in the automated process with an argument data set associated with parameters of a desired data set and the desired function,” as currently recited in claim 1. In contrast, Saeki discloses that a database query statement is generated by automatically replacing a variable part of a syntax pattern with an effective expression according to a result of

analysis of a retrieval request. *See, e.g.,* Saeki, paragraph [0080]. Thus, Saeki, at most, discloses a query statement is generated by automatically replacing a variable part of a syntax pattern and fails to disclose, or even suggest, “a statement assembly module for populating the syntax pattern, in the automated process with an argument data set associated with parameters of a desired data set and the desired function,” as currently recited in claim 1.

Additionally, Applicant respectfully submits that Saeki teaches away from “a syntax pattern selector module for selecting, in an automated process, a syntax pattern,” corresponding to a desired function and a syntax standard, as recited in claim 1 (emphasis added). In particular, Saeki discloses in Figure 4, a retrieval object selection section 111, wherein a user first selects a specific display table by using a display table index in the retrieval objection selection section 111. Moreover, the user selects a display item from the selected display table. *See, e.g.,* paragraph [0087]. Therefore, Applicant respectfully submits that Saeki, at best, discloses that a user selects a specific display table and fails to disclose, or even suggest, “a syntax pattern selector module for selecting, in an automated process, a syntax pattern,” corresponding to a desired function and a syntax standard, as recited in claim 1 (emphasis added).

Regarding claims 2, 3, 8, and 9, these claims are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 2, 3, 8, and 9 should also be allowable at least by virtue of its dependency on independent claim 21.

Regarding independent claim 20, while different in overall scope from claim 1, this claim recites subject matter related to independent claim 1. Thus, the arguments set forth above with respect to independent claim 1 are equally applicable to claim 20. Accordingly, Applicant respectfully submits that claim 20 is allowable over Saeki, Stern, and Kobayashi for the same reasons as set forth above with respect to independent claim 1.

In view of the foregoing, Applicant respectfully submits that Saeki, Stern, and Kobayashi fail to teach each and every limitation of claims 1-3, 8, 9, and 20 and therefore the aforementioned obviousness rejection should be withdrawn.

**II. REJECTIONS UNDER 35 U.S.C. § 103(a) OF CLAIMS 4-7, 10-19, AND 21-24**

On page 8 of the Office Action, claims 4-7, 10-19, and 21-24 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2004/0039730 to Saeki ("Saeki") in view of U.S. Patent No. 6,212,516 to Kobayashi et al. ("Kobayashi"). This rejection is hereby respectfully traversed.

Regarding claim 4, the Office Action asserts that Saeki and Kobayashi disclose the claimed invention. Applicant respectfully disagrees. However, in order to forward the prosecution of the present application, Applicant has amended claim 4 to more specifically define the claimed invention. In particular, Applicant respectfully submits that Saeki fails to disclose, or even suggest, a computer-implemented system comprising: "at least one query language statement having a tree query structure generated based at least in part on the parameters of the desired data set is assembled to be run against a data source to return the desired data set," as currently recited in claim 4. In contrast, Saeki merely discloses a database retrieval processing section that executes one or more normalized query statements. *See, e.g.*, Saeki, paragraph [0066]. Thus, Saeki, at most, discloses a normalized query statements and fails to disclose, or even suggest, "at least one query language statement having a tree query structure generated based at least in part on the parameters of the desired data set is assembled to be run against a data source to return the desired data set," as currently recited in claim 4.

Also, Kobayashi fails to remedy the deficiencies of Saeki. In particular, Kobayashi discloses that the execution procedure code pattern is represented by a tree structure having, as its elements, a plurality of processing nodes which instruct a control of an associated execution. *See, e.g.,* Kobayashi, column 16, lines 63-66. Thus, Kobayashi, at most, discloses that the execution procedure code is represented by a tree structure and fails to disclose, or even suggest, “at least one query language statement having a tree query structure generated based at least in part on the parameters of the desired data set is assembled to be run against a data source to return the desired data set,” as currently recited in claim 4.

Further, Applicant submits that Saeki fails to disclose, or even suggest, “a statement assembly module for populating the syntax pattern with an argument data set associated with parameters of a desired data set and the desired function,” as currently recited in claim 4. In contrast, Saeki discloses that a database query statement is generated by automatically replacing a variable part of a syntax pattern with an effective expression according to a result of analysis of a retrieval request. *See, e.g.,* Saeki, paragraph [0080]. Thus, Saeki, at most, discloses a query statement is generated by automatically replacing a variable part of a syntax pattern and fails to disclose, or even suggest, “a statement assembly module for populating the syntax pattern with an argument data set associated with parameters of a desired data set and the desired function,” as currently recited in claim 4. Accordingly, Applicant respectfully submits that claim 4 should be allowable over Saeki and Kobayashi.

Regarding independent claims 5, 6, 10, 14, 16, 21, 23 and 24, while different in overall scope from claim 4, these claims recite subject matter related to independent claim 4. Thus, the arguments set forth above with respect to independent claim 4 are equally applicable to claims 5, 6, 10, 14, 16, 21, 23 and 24. Accordingly, Applicant respectfully submits that claims , 6, 10, 14, 16,

21, 23 and 24 are allowable over Saeki Kobayashi for the same reasons as set forth above with respect to independent claim 4.

Regarding claims 7, 11-13, 15, 17-19, and 22, these claims are dependent upon independent claims 6, 10, 16, and 21. Thus, since independent claims 6, 10, 16, and 21 should be allowable as discussed above, claims 7, 11-13, 15, 17-19, and 22, should also be allowable at least by virtue of its dependency on independent claims 6, 10, 16, and 21.

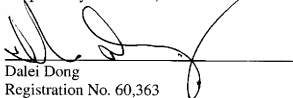
In view of the foregoing, Applicant respectfully submits that Saeki and Kobayashi fail to teach each and every limitation of claims 4-7, 10-19, and 21-24 and therefore the aforementioned obviousness rejection should be withdrawn.

**CONCLUSION**

Applicant respectfully submits that this application and all pending claims are in condition for allowance and such disposition is earnestly solicited. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no additional fees are due for filing this Response. However, if it is determined otherwise, please charge or credit any variance to Deposit Account No. 50-0206.

Respectfully submitted,



Dalei Dong  
Registration No. 60,363

Hunton & Williams LLP  
1900 K Street, NW  
Washington, D.C. 20006-1109  
(202) 955-1500 (phone)  
(202) 778-2201 (facsimile)

Date: October 4, 2010